

---

HOUSE BILL 1004

---

State of Washington

60th Legislature

2007 Regular Session

By Representatives Darneille, Lantz, Williams, Flannigan, Ericks, Kagi, Hudgins, Appleton, Roberts, Moeller, McDermott, Wood, Santos, Schual-Berke, Ormsby and Upthegrove

Prefiled 12/18/2006. Read first time 01/08/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to interest on legal financial obligations;  
2 amending RCW 10.82.090; providing an effective date; and declaring an  
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 10.82.090 and 2004 c 121 s 1 are each amended to read  
6 as follows:

7 (1) Except as provided in subsection (2) of this section, financial  
8 obligations imposed in a judgment shall bear interest from the date of  
9 the judgment until payment, at the rate applicable to civil judgments.  
10 All nonrestitution interest retained by the court shall be split  
11 twenty-five percent to the state treasurer for deposit in the public  
12 safety and education account as provided in RCW 43.08.250, twenty-five  
13 percent to the state treasurer for deposit in the judicial information  
14 system account as provided in RCW 2.68.020, twenty-five percent to the  
15 county current expense fund, and twenty-five percent to the county  
16 current expense fund to fund local courts.

17 (2) ~~((The court may, on motion by the offender, following the~~  
18 ~~offender's release from total confinement, reduce or waive the interest~~  
19 ~~on legal financial obligations levied as a result of a criminal~~

1 conviction. The court may reduce or waive the interest only as an  
2 incentive for the offender to meet his or her legal financial  
3 obligations. The court may not waive the interest on the restitution  
4 portion of the legal financial obligation and may only reduce the  
5 interest on the restitution portion of the legal financial obligation  
6 if the principal of the restitution has been paid in full. The  
7 offender must show that he or she has personally made a good faith  
8 effort to pay, that the interest accrual is causing a significant  
9 hardship, and that he or she will be unable to pay the principal and  
10 interest in full and that reduction or waiver of the interest will  
11 likely enable the offender to pay the full principal and any remaining  
12 interest thereon. For purposes of this section, "good faith effort"  
13 means that the offender has either (a) paid the principal amount in  
14 full; or (b) made twenty four consecutive monthly payments, excluding  
15 any payments mandatorily deducted by the department of corrections, on  
16 his or her legal financial obligations under his or her payment  
17 agreement with the court. The court may grant the motion, establish a  
18 payment schedule, and retain jurisdiction over the offender for  
19 purposes of reviewing and revising the reduction or waiver of interest.  
20 This section applies to persons convicted as adults or in juvenile  
21 court.)) With respect to financial obligations imposed for offenses  
22 committed on or after July 1, 2007, interest shall not accrue during  
23 any period of time the offender is in total confinement in a  
24 correctional or state correctional institution as defined in RCW  
25 9.94.049, an out-of-state correctional institution, or a federal  
26 correctional institution. For purposes of this section, total  
27 confinement shall not include any period of total confinement that is  
28 due to a violation of community custody, community placement, or  
29 community supervision.

30 NEW SECTION. Sec. 2. This act is necessary for the immediate  
31 preservation of the public peace, health, or safety, or support of the  
32 state government and its existing public institutions, and takes effect  
33 July 1, 2007.

--- END ---